

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM E. DENNIS,

Petitioner,

Case Number: 2:18-CV-11336

HONORABLE VICTORIA A. ROBERTS

v.

SHERRY L. BURT,

Respondent.

**ORDER GRANTING PETITIONER'S REQUEST TO VOLUNTARILY
DISMISS HABEAS CORPUS PETITION WITHOUT PREJUDICE**

Petitioner William E. Dennis, a state inmate currently incarcerated at the Muskegon Correctional Facility in Muskegon, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the Court is Petitioner's request to voluntarily dismiss his petition.

Petitioner seeks dismissal of this action because the petition was mistakenly filed by his mother. He states that his appeal is presently pending in the Michigan Court of Appeals and the petition was prematurely filed. Federal Rule of Civil Procedure 41(a) permits a plaintiff to dismiss an action without leave of the adverse party or the court at any time before service by the adverse party of an answer or of a motion for summary judgment. Respondent has not yet been served with the petition and, therefore, has not filed an answer or motion for summary judgment.

Accordingly, the Court **GRANTS** Petitioner's request for voluntary dismissal of

the habeas corpus petition (dkt. 3) and the matter is **DISMISSED WITHOUT PREJUDICE**.

The Court **DENIES** as moot Petitioner's "Motion to Proceed *In Forma Pauperis*" (dkt. 2).

S/Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE

Dated: May 10, 2018